

Application No.: 10/781,589

REMARKS

Claims 1, 13 and 14 are pending and rejected pursuant to the non-final Office Action. Herewith no claims are canceled, claims 1, 13 and 14 are amended and new claims 122-126 are added. The Abstract was objected to and is herewith amended.

Applicants respectfully request entry and favorable consideration of the amendments and remarks tendered herewith.

Claim Rejections Under 35 U.S.C. §102

Claims 1, 13 and 14 are rejected as anticipated by '897 patent to Rutten et al. (Rutten) and claim 1 is rejected as anticipated by the '445 patent to Swoyer (Swoyer).

Applicant respectfully traverses the merits of these rejections; however, they are rendered moot by the above amendments. Applicant respectfully reserves the right to pursue these claims in their unamended form, the cancelled claims, and the subject matter of the present specification in a subsequently filed continuation application.

Double Patenting

Claim 1 was rejected under the judicially-created doctrine of obviousness-type double patenting over claims 1 and 10 of U.S. Pat. No. 6,549,812 and claim 1 of U.S. Pat. No. 6,718,211.


Should the Examiner persist with this rejection - even in view of the amendments submitted herewith - Applicant reserves the right to submit a Terminal Disclaimer in due course.

Conclusion

The application is in condition for allowance and notice of the same is respectfully requested.

Respectfully submitted,

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